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September 21, 2005

The Honorable Kent A. Jordan
United States District Judge
United States District Court
for the District of Delaware
844 King Street
Wilmington, Delaware 19801

Re: Ronald Cantor, et al. v. Ronald O. Perelman, et al.,
Civil Action No. 97-586 (KAJ)

Dear Judge Jordan:

Enclosed please find defendants' proposed scheduling order, which differs with a form of order that we understand plaintiffs intend to file in just one respect. After extensive discussions with plaintiffs, we reached agreement on all dates except the date by which the parties are to file Daubert motions.

As Your Honor's standard scheduling order form contains a Daubert motion deadline, defendants asked plaintiffs to include such a deadline in the schedule and to set it for June 1, 2006. Plaintiffs responded that the order should have two Daubert motion deadlines – June 1, 2006 for new expert testimony to be identified, and November 1, 2005 for expert testimony already identified.

Defendants submit that having two deadlines will be wasteful because the parties will have to brief and argue Daubert issues twice, and the Court will have to issue two separate opinions on such issues. There is no countervailing benefit that justifies addressing Daubert issues twice. An order that requires all such objections to be filed by June 1, 2006 – more than four months before the trial date – will give

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the parties and the Court sufficient time to resolve all Daubert objections before the trial begins.

If Your Honor has any questions about the foregoing, counsel is available at the convenience of the Court.

Respectfully,



Paul J. Lockwood

cc: Philip Trainer, Jr., Esq.